

MFC Proposed Recommendation

The Rules Advisory Team found that the only practical way to implement rules to prohibit the sale of scallops for whole or roe-on consumption from polluted waters would be to make scallops subject to the same shellfishing closures as those for oyster, clams and mussels. Since the consumption of whole scallops is currently practiced by only a very few consumers and the risk to those persons is exceedingly small, no change is recommended at this time.

V. RULE RECOMMENDATION

MFC selected management strategy

- Recommend no rule change.

AC and DMF - Recommend no rule change.

9.9 SOAKED OR SWELLED BAY SCALLOPS PROHIBITED SUGGESTED RULE CHANGE⁹

I. ISSUE

Whether to retain the current rule, which prohibits the soaking or swelling of bay scallop meats

II. BACKGROUND

The practice of soaking bay scallop meats in water to allow them to absorb water and “swell” to gain weight has been illegal since at least 1917. Evidently the soaking of bay scallops was a recurring problem over the years. The DEH - Shellfish Sanitation Section used to require that shucking of bay scallop meats could only be conducted in a certified shucking establishment with minimum sanitary standards. During that time, Marine Patrol Officers had the ability to visit these facilities, located primarily on Harkers Island and Salter Path, and inspect the bay scallops as they were shucked and packaged in plastic bags or tins. They could ensure that the scallops were properly washed yet not left standing in water for a long period of time. The officers even had the ability to test bay scallops suspected of being soaked with a blue solution of copper sulfate. A sample of suspect scallops would be placed in the blue liquid solution and if it floated, that was evidence that the scallops had been soaked based on the specific gravity of the solution.

⁹ Presented to the Rules Advisory Team on June 1, 2006.

Presented to the Bay Scallop Advisory Committee on June 15, 2006 with the DMF proposed rule changes.

Finalized Bay Scallop Advisory Committee recommendations on August 21, 2006.

Finalized the rule by the Rules Advisory Team on February 1, 2007.